

REMARKS

In the Office Action, the Examiner rejected claims 1-27. By the present Response, Applicants amend claims 1, 5, 16, 19, 24 and 25 to further clarify the claimed subject matter. Upon entry of the amendments, claims 1-27 will remain pending in the present patent application. Applicants respectfully request reconsideration of the above-referenced application in view of the foregoing amendments and the following remarks.

Rejections under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-5, 8, 11, 13-22, 24, and 25 under 35 U.S.C. § 102(e) as anticipated by Busayapongchai et al. (U.S. Patent No. 6,944,594). Specifically, with respect to independent claims 1 and 25, the Examiner stated:

In regards to claims 1 and 25, Busayapongchai et al. disclose a signal processor and a method for manufacturing a telephony system comprising providing the signal processor, wherein the signal processor is configured to receive a token selected based upon a composite grammar (context table 602 maintains a grammar (context) for each application 620a, 620b, and 620c, column 5, lines 41-65), and wherein the token corresponds to an entry point for one of a plurality of applications (the command word is an indication to switch to an alternate application, column 6, lines 27-31), and configured to access the respective application at the entry point (the recognized alternate application is initiated, column 6, lines 34-57).

Final Office Action, page 4. The Examiner rejected independent claims 5, 61, 19 and 24 under similar rationale. Applicants respectfully traverse the rejection.

Legal Precedent

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the

claimed invention must be identically shown in a single reference. *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Moreover, the prior art reference also must show the identical invention “*in as complete detail as contained in the ... claim*” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Accordingly, Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter.

Omitted Features of the Independent Claims

As indicated above, each of the independent claims 1, 5, 16, 19, 24 and 25 have been amended. Applicants assert that the amendments render the Section 102 rejection moot. Additionally, Applicants assert that the cited reference does not disclose all the elements of the independent claims. Specifically, amended independent claim 1 recites, “[a] signal processor configured to receive a token selected based upon a composite grammar, *the composite grammar including multiple levels of a menu hierarchy*, wherein the token corresponds to an entry point for one of a plurality of applications, and configured to access the respective application at the entry point, *by navigating through the levels of a menu hierarchy.*” (Emphasis added). Independent claim 5 recites, “[a] communications system, comprising: a telephony server configured to receive a modulated signal correlative to an audio command, to analyze the modulated signal to identify a constituent of a composite grammar, *the composite grammar comprising inputs corresponding to each of a plurality of application*, and to select a token corresponding to the constituent; and a browser module configured to acquire the token and *to access an entry point for one of a plurality of applications based upon the token by navigating levels of a menu hierarchy.*” (Emphasis added). Independent claim 16 recites, “[a] method for accessing an application, the method comprising the acts of: processing a signal to identify an audio code as a constituent of a composite grammar, *the composite grammar comprising constituents from a plurality of applications*; and accessing an entry

point of one of the plurality of applications based upon the constituent of the composite grammar, *wherein the entry point is accessed directly by navigating a menu hierarchy.* (Emphasis added).

Additionally, independent claim 19 recites, “[a] tangible computer-readable medium, comprising programming instructions stored on the computer-readable medium for processing a signal to identify an audio code as a constituent of a composite grammar, *the composite grammar comprising constituents from a plurality of applications;* and programming instructions stored on the computer-readable medium for accessing an entry point of one of the plurality of applications based upon the constituent of the composite grammar, *wherein the entry point is accessed by navigating a menu hierarchy.*” (Emphasis added). Independent claim 24 recites, “[a] method for manufacturing a tangible computer medium, the method comprising the acts of: storing programming instructions for identifying an audio code as a constituent of a composite grammar on a computer-readable medium, *wherein the composite grammar comprises constituents from a plurality of applications;* and storing programming instructions for accessing an entry point of one of the plurality of applications based upon the constituent of the composite grammar on the computer-readable medium, *wherein the entry point is accessed by navigating through levels of a menu hierarchy.*” (Emphasis added). Independent claim 25 recites, “[a] method for manufacturing telephony system, the method comprising the act of: providing at least one signal processing device programmed to identifying an audio code as a constituent of a composite grammar and programmed to access an entry point of one of the plurality of applications based upon the constituent of the composite grammar, *wherein the entry point corresponds to a level of a menu hierarchy and is accessed by navigating the menu hierarchy.*” (Emphasis added).

In sharp contrast, Busayapongchai does not disclose such features. Specifically, Applicants assert that the Busayapongchai reference does not disclose a composite

grammar that includes inputs from a plurality of applications. Additionally, Applicants assert that the Busayapongchai reference does not disclose navigating menu hierarchies, as set forth in the instant claims.

The Busayapongchai reference discloses a control manager that monitors for particular control words that can *launch* an application. *See* Busayapongchai, col. 4, lines 48-58; col. 5, lines 41-45; col. 6, lines 27-31. Additionally, Busayapongchai discloses using a few specialized words that permit movement between applications. *See id.* at col. 6, lines 27-56; Fig. 7. Specifically, the Busayapongchai reference discloses an ability to return a user to an application that was suspended when a second application was opened. *See id.* at col. 5, lines 33-65; col. 6, lines 47-51. This, however, is not the same as navigation through levels of a menu hierarchy as set forth in the claims. Rather, the Busayapongchai reference simply discloses statically saving environmental states in a context table 602 so that a user may return to the stored context. *Id.* There is no navigation of a menu hierarchy but, rather, just a loading of data statically stored and representative of the previous context.

Moreover, to this point, Busayapongchai does not disclose accessing the entry point by navigating a menu hierarchy based upon a constituent of the composite grammar or a token, as set forth in the claims. In particular, as noted above, an application may be opened at a previously saved point. However, in accomplishing this action, there is no navigation of menus. Rather, the previously saved context of an application is simply recalled. As such, it is similar to having multiple applications open on a desktop computer and simply switching from one to the other without navigation of any menu.

Furthermore, the Examiner asserted that the context table 602 of Busayapongchai is the same as a composite grammar. *See, e.g.,* Office Action, page 4. However, the context table, as discussed above, only includes a static representation of a previous context of an

application. See Busayapongchai at col. 5, lines 33-65; col. 6, lines 47-51. This cannot reasonably be considered the same as a composite grammar, much less a composite grammar that includes multiple levels of a menu hierarchy, as set forth in the claims.

Accordingly, for at least these reasons, Applicants respectfully assert that Busayapongchai does not disclose all the elements of independent claims 1, 5, 16, 19, 24 and 25 and, thus, cannot support a *prima facie* case for anticipation under Section 102. Therefore, Applicants respectfully request withdrawal of the Section 102 rejection of claims 1, 5, 16, 19, 24 and 25 and allowance of the same, as well as all claims dependent therefrom.

Omitted Features of Dependent Claims 2 and 3

In addition to the elements of the independent claim 1, Busayapongchai fails to disclose features set forth in both dependent claims 2 and 3. Claim 2 recites, “wherein the signal processor is configured to exit a previous application *without receiving an exit instruction* from a subscriber.” (Emphasis added). In sharp contrast, Busayapongchai discloses exiting an application only after receiving express instruction to do so. Specifically, Busayapongchai states:

On the other hand, if at step 732 it is determined that the caller’s input does contain a command word or words, the control manager saves the context of the currently open application in the context table at step 740. At step 744, the command word is compared to a list of words indicating that the caller wishes to terminate the call (e.g., “Goodbye”, “End”, etc.). *If it is determined that the caller wishes to terminate the call, the system exits at step 756. If termination is not indicated, the command word is compared to a list of possible applications to determine the next application to be initiated, at step 748.*

Busayapongchai, col. 6, lines 34-44 (emphasis added). As such, Busayapongchai does not disclose a signal processor “configured to exits a previous application without

receiving an exit instruction from a subscriber,” as set forth in claim 2. Accordingly, Applicants respectfully request withdrawal of the Section 102 rejection and an indication of allowability of claim 2.

Independent claim 3 recites, “wherein the signal processor is configured to *receive a responsive data file from a level of the respective application corresponding to the entry point* and configured to transmit the data file to a telephony server.” (Emphasis added). In rejecting claim 3, the Examiner cited to column 6, lines 60-64 of Busayapongchai which states, “The caller may indicate “Airline reservation” when prompted for his choice of application, and *navigate to the point where he will receive information* concerning the cost of a flight from Atlanta to Philadelphia on August 4.” (Emphasis added). As such, Busayapongchai discloses having a caller navigate menus to arrive at “the point where he will receive information,” rather than receiving a responsive data file from a level of the respective application *corresponding to the entry point*, as set forth in claim 3. In particular, Busayapongchai simply discloses an entry point being a first menu of a particular application, rather than a level from which a responsive data file of the respective application can be received. Accordingly, Applicants respectfully assert that Busayapongchai fails to disclose all the features of independent claim 3 and, thus, cannot support a *prima facie* case of anticipation under Section 102. Accordingly, Applicants respectfully request an indication of allowability of claim 3.

For at least the reasons set forth above, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 102 and allowance of claims 1-5, 8, 11, 13-22, 24, and 25.

Rejections under 35 U.S.C. § 103

In the Office Action, the Examiner also rejected claims 6, 9, 10, 12, and 23 under 35 U.S.C. § 103(a) as unpatentable over Busayapongchai in view of Denenberg et al. (U.S. Patent No. 7,158,936). Applicants respectfully traverse this rejection.

Legal Precedent

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (B.P.A.I. 1979). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). However, it is not enough to show that all the elements exist in the prior art since a claimed invention composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). It is important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. *Id.* Specifically, there must be some articulated reasoning with a rational underpinning to support a conclusion of obviousness; a conclusory statement will not suffice. *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Indeed, the factual inquiry determining whether to combine references must be thorough and searching, and it must be based on *objective evidence of record*. *In re Lee*, 61 U.S.P.Q.2d 1430, 1436 (Fed. Cir. 2002).

Applicants respectfully assert that Denenberg fails to overcome the deficiencies of Busayapongchai with respect to independent claims 5 and 19. Specifically, as set forth above, Busayapongchai fails to disclose a composite grammar comprising inputs corresponding to each of a plurality of applications, and access an entry point for one of a plurality of applications by navigating levels of a menu hierarchy. Denenberg similarly does not disclose such features. Indeed, Applicants are unaware of, and the Examiner has

not cited to, any portion of Deneberg that discloses such features. Accordingly, Applicants respectfully request withdrawal of the Section 103 rejection and allowance of claims 6, 9, 10, 12 and 23, based on their respective dependencies from claims 5 and 19.

Payment of Fees and General Authorization for Extensions of Time


The Commissioner is authorized to charge the fee of **\$940.00** (\$810.00 for the Request for Continued Examination and \$130.00 for a one month extension) to the credit card listed on the attached PTO-2038. If any additional fees, including fees for extensions of time and other reasons, are deemed necessary to advance prosecution of the present application, at this or any other time, Applicants hereby authorize the Commissioner to charge such requisite fees to Deposit Account No. 06-1315; Order No. LUCW:0011. In accordance with 37 C.F.R. § 1.136, Applicants hereby provide a general authorization to treat this and any future reply requiring an extension of time as incorporating a request thereof.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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